APPEAL NO. 020701
FILED MAY 7, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 25, 2002. The hearing officer resolved the disputed issues by determining that the respondent's (claimant) compensable injury of _____, includes right medial and lateral meniscus tears. The appellant (carrier) appeals on sufficiency grounds. In his response, the claimant urges affirmance.

DECISION

Affirmed.

The claimant testified that on _____, a high pressure sandblasting hose "took off" and that coarse-grained sand blasted on the inside of his right knee. A medical report dated February 6, 2001, reflects that the claimant was diagnosed with a third-degree burn to his lower leg. An MRI of the right knee dated August 24, 2001, reflects medial and lateral meniscus tears. A medical report from the claimant's treating doctor, Dr. G, dated December 19, 2001, states that:

> I reviewed the MRI personally and agree with the report that there are linear tears of the posterior horn of the medial meniscus and of the anterior horn of the lateral meniscus. There is also areas of degeneration but these tears are separate entities as opposed to the degenerative portion of the menisci of [the claimant's] knee. The tear of the medial and lateral meniscus are directly related in medical probability to the _____ accident.

The hearing officer did not err in determining that the claimant's compensable injury includes right medial and lateral meniscus tears. Extent of injury is a question of fact. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence and to determine what facts the evidence has established. Garza v. Commercial Ins. Co., 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). When reviewing a hearing officer's decision for sufficiency of the evidence, we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). In this instance, there was conflicting evidence on the issue before the hearing officer. The hearing officer resolved that conflict against the carrier and he was acting within his province as the fact finder in so doing. Nothing in our review of the record demonstrates that the hearing officer's determination that the claimant's compensable injury includes right medial and lateral meniscus tears is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to disturb the challenged determination on appeal. Cain.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LUMBERMENS UNDERWRITING ALLIANCE** and the name and address of its registered agent for service of process is

DANIEL J. O'BRIEN
12200 FORD ROAD, SUITE 344
DALLAS, TEXAS 75234-7265.

Elaine M. Chaney
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Philip F. O'Neill
Appeals Judge